

THE FLORIDA SUPREME COURT

INQUIRY CONCERNING A  
JUDGE NO.: 06-22 /

CASE NO. : 06SC-1376

**AMENDED NOTICE OF FORMAL CHARGES**

**TO: The Honorable Steven J. deLaroche  
Volusia County Courthouse Annex  
125 East Orange Avenue  
Daytona Beach, FL 32144**

YOU ARE HEREBY notified that the Investigative Panel of the Florida Judicial Qualifications Commission, by a vote of not less than two-thirds of those members present at meetings held on April 21, 2006 and July 13, 2006, pursuant to Rule 6(f), Florida Judicial Qualifications Commission Rules (AFJQCR®), as revised, and Fla. Const. art. V, Section 12(b), has determined that probable cause exists for formal proceedings to be instituted against you. Probable cause exists on the following formal charges:

1. In June 2005, attorney G. Kipling Miller brought you a motion to vacate sentence and a proposed order in traffic citation 05-36DZT, issued to James W. Silvis, IV, in a case assigned to a different judge. You signed the order vacating Mr. Silvis=conviction, thereby allowed him to avoid a five year-s driver-s license suspension, despite your knowledge that the case was a case assigned to a different judge (who handled such civil traffic infractions) not criminal misdemeanors. Only after the assigned judge questioned your entry of the order, did you subsequently vacate it for lack of jurisdiction. This charge is governed by the Code of Judicial Conduct, Canons 1 and 2A.

2. On or about November 30, 2005, you dismissed civil traffic citation 1817-DUJ issued to Jennifer Lopez, the daughter of a former client, after the former client contacted your office with

questions about an administrative matter, at a time when this civil traffic case was assigned to another judge, and you were assigned to hear criminal traffic misdemeanors. This charge is governed by the Code of Judicial Conduct, Canons 1 and 2A.

3. On or about January 5<sup>th</sup> or 9<sup>th</sup>, 2006, you dismissed civil traffic citation 3272-DZT, which had been issued to Hugh Avant, your father in law, at a time when this civil traffic case was assigned to another county court judge, and you were assigned to hear criminal traffic misdemeanors. This charge is governed by the Code of Judicial Conduct, Canons 1 and 2A & 3E(1)(d).

4. On or about January 23, 2006, you dismissed a second civil traffic citation, 5445-DPD issued to Jennifer Lopez, the daughter of a former client after the former client contacted your office on another administrative matter. You dismissed the case despite the fact it was assigned to another judge, it involved careless driving and a traffic accident, and there was no notice to the victim or anyone acting on her behalf. You dismissed the case to avoid financial rules imposed by the clerk because you were unable to override them. This charge is governed by the Code of Judicial Conduct, Canons 1 and 2A.

5. On or about February 14, 2006, you dismissed civil traffic citation 0836-DZP issued to William R. Alexander, Esq. at a time when you knew this civil citation was assigned to another judge, was not on your docket, was not noticed for hearing, and the relief was not requested by the litigant. This charge is governed by the Code of Judicial Conduct, Canons 1 and 2A.

6. These charges cumulatively constitute a pattern and practice of deliberate misconduct. This charge is governed by the Code of Judicial Conduct, Canons 1 and 2A.

You are hereby notified that the Investigative Panel of the Florida Judicial Qualification Commission, by a vote of not less than two-thirds of those members present at a meeting held on

October 5<sup>th</sup>, 2006, pursuant to Rule 6(f), FJQCR, as revised and Fla. Const. art V, ' 12(b), has determined that probable cause exists for formal proceedings to be instituted against you on additional charges. Probable cause exists on the following additional charges:

7. On July 13, 2006, you appeared before the Investigative Panel of the Judicial Qualifications Commission, which was investigating your entry of an order vacating the conviction of James Wilson Silvis, IV. At the hearing, you presented a knowingly false and/or misleading affidavit which indicated that:

- a. You entered the order because attorney George K. Miller told you Judge Hamrick had already granted the motion, and you relied on attorney Miller's assurances;
- b. When Judge Hamrick came into your chambers, very upset, you told him that Miller had represented to [you] that he [Hamrick] had granted the motion; and
- c. You strongly reprimanded Mr. Miller on July 13<sup>th</sup>, and threatened to report him to the Florida Bar.

This charge is governed by the Code of Judicial Conduct Canons 1 & 2A.

8. At the same hearing, you voluntarily took an oath to tell the truth and presented knowingly false and/or misleading testimony to the Investigative Panel, to wit:

- a. You entered the order because attorney Miller represented to you that Judge Hamrick had already held a hearing and granted the motion to vacate previously (hearing transcript, pp. 25-26; 80);
- b. You entered the order because attorney Miller represented to you that you were merely signing the order Judge Hamrick was going to sign, when Judge Hamrick was unavailable (Id. at p. 26);

- c. When Judge Hamrick questioned you about your entry of the order, you explained your actions to him by indicating that Miller had made misrepresentations to you about the case (Id. at pp. 29; 84-85); and
- d. You summoned Miller into your chambers on July 13, 2005 to strongly reprimand him, and warned him that you would report him to the Bar if anything like this happened again. (Id. at pp. 43-44).

This charge is governed by the Code of Judicial Conduct, Canons 1 & 2A.

9. At the same hearing, you presented knowingly false and/or misleading testimony to the Investigative Panel regarding dismissal of William R. Alexander's ticket, to wit:

- a. That Mr. Evans tried to talk to you about this ticket prior to the hearing and you told him you didn't have time and to talk to the prosecutor (Id. at pp. 62; 68-69);
- b. That you did not initiate the dismissal of this ticket (Id. at pp. 74, 85); and
- c. That you asked the state attorney for his recommendation before you dismissed the ticket. (Id. at pp. 69-70).

10. Your affidavit and testimony before the Investigative Panel as detailed, reflects a lack of candor in material respects. This charge is governed by the Code of Judicial Conduct, Canons 1 & 2A.

The acts described above, if they occurred as alleged, violated the Code of Judicial Conduct, to wit, Canon 1 (upholding the integrity of the judiciary), Canon 2A (appearance of impropriety), Canon 3E(1)(d) (disqualification in a proceeding involving family member). The foregoing conduct, if proven as alleged, constitutes conduct unbecoming a member of the judiciary, warranting discipline, including but not limited to reprimand, fine, suspension with or without pay, or lawyer

discipline. It may also demonstrate present unfitness to hold judicial office, warranting your removal.

Please take notice, in accordance with the FJQC Rules, as revised, that you have twenty (20) days following service of this notice to file a written answer to these charges. The original of your response and all subsequent pleadings must be filed with the Clerk of the Florida Supreme Court, in accordance with the Court's requirements, you must simultaneously file a DOS formatted three and one-half (3 1/2") diskette in WordPerfect 5.1 (or higher) format. Copies of your response should be served on the undersigned Special Counsel and all persons (other than your counsel) listed in the certificate of service below.

By: \_\_\_\_\_

Lauri Waldman Ross, Esq.  
Florida Bar No. 311200  
LAURI WALDMAN ROSS, P.A.  
Two Datan Center, Suite 1612  
9130 South Dadeland Blvd.  
Miami, Florida 33156-7818  
(305) 670-8010 (phone)  
(305) 670-2305 (fax)

SPECIAL COUNSEL FOR THE FLORIDA JUDICIAL  
QUALIFICATIONS COMMISSION

-and-

Marvin Barkin, Esq.  
Trenam, Kemker, Scharf, Barkin  
Frye, O'Neill & Mullis, P.A.  
101 Kennedy Blvd., Suite 2700  
Tampa, FL 33602  
(813) 223-7474

INTERIM GENERAL COUNSEL FOR THE FLORIDA  
JUDICIAL QUALIFICATIONS COMMISSION

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Amended Notice of Formal Proceedings has been furnished by certified mail, return receipt requested this \_\_\_\_ day of October, 2006 to:

The Honorable Steven deLaroche  
County Court Judge

**Respondent**

125 East Orange Avenue  
Daytona Beach, FL 32144

Charles Chobee Ebbets, Esq.

**Counsel for Respondent**

210 South Beach Street, Suite 200  
Daytona Beach, FL 32114  
386-253-2288

---

LAURI WALDMAN ROSS, ESQ.